

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

In re application of

Harry WILJAN, et al.

Appln. No.: 09/720,879

Confirmation No.: Unknown

Filed: December 29, 2000

Docket No: Q62284

PCT/EP99/03853

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

10 AUG 2004

Legal Staff
International Division

For: COARSE DIRT COLLECTOR FOR REMOVING COARSE
MATERIAL FROM A PULPER AND RESPONDING METHOD

**PETITION FOR NEW OFFICE ACTION AND WITHDRAWAL OF HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181 (a)**

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed February 24, 2004, and in accordance with the requirements of MPEP §711.03(c)(I), Applicant hereby petitions for a new Office Action and for withdrawal of the holding of abandonment.

The undersigned hereby attests to the fact that a response to the Notice to File Missing Parts (Notice) of January 25, 2001 was filed on March 26, 2001, and attached herewith are copies of the documents as filed (Exhibit A). A copy of the PTO mail room stamped receipt (Exhibit B), and a copy of the returned check Nos. 170627 in the amount of \$130.00 and 170628 in the amount of \$110.00 (Exhibit C) are all submitted herewith as evidence that the Response to the Notice was filed in the USPTO on March 26, 2001.

If there are any questions or need for additional information, please contact the undersigned at the local Washington D.C. office.

Petition For New Office Action And Withdrawal Of
Holding Of Abandonment Under 37 Cfr 1.181 (a)
PCT/EP99/03853
09/720,879

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

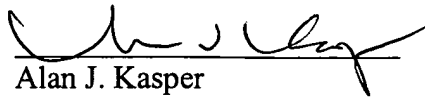
WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 10, 2004

Respectfully submitted,



Alan J. Kasper

Registration No. 25,426

EXHIBIT A



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

H

062284

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
	5071	PCT/EP99/03853
SUGHRUE MION ZINN MACPEAK & SEAS 2100 PENNSYLVANIA AVENUE NW WASHINGTON DC 20037-3213		
INTERNATIONAL APPLICATION NO.		
06/02/99 00/00/00		
I.A. FILING DATE	PRIORITY DATE	
	01/25/01	

DATE MAILED:

25 JAN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ non-English language.

☐ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of Inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-6000

EXHIBIT A

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Harry WILJAN, et al.

Appln. No.: 09/720,879

Group Art Unit: Not Yet Assigned

Confirmation No.: Unknown

Examiner: Not Yet Assigned

Filed: December 29, 2000

For: COARSE DIRT COLLECTOR FOR REMOVING COARSE MATERIAL FROM A
PULPER AND RESPONDING METHOD

SUBMISSION OF EXECUTED DECLARATION

ATTN: BOX MISSING PARTS

Commissioner for Patents

Washington, D.C. 20231

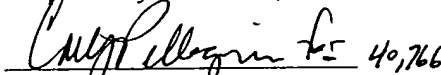
FILED
MAR 26 2001

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371", for the above application, Applicant respectfully submits herewith the Declaration for the above identified application properly executed by the inventors.

A check for the statutory fee of \$130.00 is attached. Please also charge any underpayment or credit any overpayment to Deposit Account No. 19-4880. A duplicate copy of this paper is attached.

Respectfully submitted,

 40,766

Alan J. Kasper

Registration No. 25,426

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
Date: March 26, 2001

SOLE/JOINT

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name: that I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought in the application entitled:

COARSE DIRT COLLECTOR FOR REMOVING COARSE MATERIAL FROM A PULPER AND RESPONDING METHOD
which application is:

☐ the attached application
(for original application)

☒ Application No. 09/720,879
(Confirmation No. Unknown) filed January 2, 2001,
and amended on January 2, 2001

(for declaration not accompanying application)

that I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment referred to above; that I acknowledge my duty to disclose information of which I am aware and which is material to the patentability of this application as defined in 37 C.F.R. 1.56, that I hereby claim priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, §119(e) of any United States provisional application(s), or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT International application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Filing Date	Priority Claimed	
			Yes	No
19829648.7	DE	July 02, 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status
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I hereby appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; Robert M. Masters, Reg. No. 35,603; George F. Lehnigk, Reg. No. 36,359; John T. Callahan, Reg. No. 32,607; Steven M. Gruskin, Reg. No. 36,818; Peter A. McKenna, Reg. No. 38,551 and Edward F. Kenahan, Reg. No. 28,962, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3213.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 13-3-01 First Inventor Harry WILJAN
Residence München Germany Signature [Signature]
City State/Country
Mailing Address: Hans-Sachs-Straße 8, 80469 München, Germany
Citizenship German

BEST AVAILABLE COPY

23-03-01 10:22

VON -REINHARDT WILHELM WEISE

+49-89-34014

T-564 P.03/03 F-183

Date 12.3.01 Second Inventor Roland CARRAResidence München Germany Signature [Signature]
City State/CountryMailing Address: Reischweg 16, 80939 München GermanyCitizenship GermanDate _____ Third Inventor _____
First Name Middle Initial Last NameResidence _____ Signature _____
City State/Country

Mailing Address: _____

Citizenship _____

Date _____ Fourth Inventor _____
First Name Middle Initial Last NameResidence _____ Signature _____
City State/Country

Mailing Address: _____

Citizenship _____

Date _____ Fifth Inventor _____
First Name Middle Initial Last NameResidence _____ Signature _____
City State/Country

Mailing Address: _____

Citizenship _____

Date _____ Sixth Inventor _____
First Name Middle Initial Last NameResidence _____ Signature _____
City State/Country

Mailing Address: _____

Citizenship _____

EXHIBIT A

BEST AVAILABLE COPY

EXHIBIT A

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Harry WILJAN, et al.

Appln. No. 09/720,879

Group Art Unit: Not Yet Assigned

Confirmation No.: Unknown

Examiner: Not Yet Assigned

Filed: December 29, 2000

For: COARSE DIRT COLLECTOR FOR REMOVING COARSE MATERIAL FROM A PULPER
AND RESPONDING METHOD

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136


Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions for an extension of time of one month(s), extending the time for responding to the Office Action of January 25, 2001 to March 25, 2001.

A check for the statutory fee of \$110.00 is attached. Please charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to Deposit Account No. 19-4880. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


Alan J. Kasper
Registration No. 25,426

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
Date: March 26, 2001

EXHIBIT B

FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

57

In re application of

Harry WILJAN, et al.

Appln. No. 09/720,879

Group Art Unit: Not Yet Assigned

Confirmation No.: Unknown

Examiner: Not Yet Assigned

Filed: December 29, 2000

For: COARSE DIRT COLLECTOR FOR REMOVING COARSE MATERIAL FROM A PULPER
AND RESPONDING METHOD

PAPER(S) FILED ENTITLED:

1. Submission of Executed Declaration
2. Copy of Notification of Missing Requirements Under 35 U.S.C. § 371
3. Check No. 170627 For \$130.00
4. Petition for Extension of Time (w/Check No. 170628 For \$110.00)

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

DOCKET NO.: Q62284
ATTORNEY/SEC: AJK/jia

Date Filed: March 26, 2001



SUGHRUE, MION, ZINN, MACPEAK & SEAS, P.C. — PTO ACCOUNT
2100 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20037-3202

DATE
03/26/01

65-270
550

170627
SUNTRUST
SunTrust Bank

*ONE HUNDRED THIRTY AND 00/100 DOLLARS**

PAY TO THE ORDER OF

COMMISSIONER OF PATENTS
AND TRADEMARKS

AMOUNT

\$130.00

Cynthia C. Walker

⑈ 170627 ⑈ ⑆055002707⑆ 206548885⑈

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EXHIBIT C

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FIRST VIRGINIA BANK
402 ARLINGTON BLVD.
FALLS CHURCH, VA.
1-800-523-5498
⑆056001118⑆

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PATENT AND TRADEMARK OFFICE
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03-27-2001
FOR CREDIT TO THE
U.S. TREASURY

SUGHRUE, MION, ZINN, MACPEAK & SEAS, P.C. — PTO ACCOUNT

2100 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20037-3202

DATE

03/26/01

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SUNTRUST
SunTrust Bank

ONE HUNDRED TEN AND 00/100 DOLLARS

PAY TO THE ORDER OF

COMMISSIONER OF PATENTS
AND TRADEMARKS

AMOUNT

**\$110.00*

Cynthia C. Walker

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⑈ 0000011000 ⑆

EXHIBIT C

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6402 ARLINGTON BLVD.
FALLS CHURCH, VA.
1-800-523-9498
P 056 001 118

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PATENT AND TRADEMARK OFFICE
13-10-001
03-27-2001
FOR CREDIT TO THE
U.S. TREASURY